

Application #09/772,172

Cartier

REMARKS

Claims 1 through 10 have been canceled. Newly written claims 11 through 15 are now presented for examination. It is submitted that newly presented claims 11 through 15 patentably define over the references of record, taken singly or in any valid combination thereof for the following reasons.

In rejecting applicant's original claims 1 through 10, the Examiner has relied on the cited Onderak, Juneau, Fleming and Nelson patents. None of these patents, or any combination thereof, are thought to be anticipatory of the invention as now set forth in newly presented claims 11 through 15. Note that in claim 11, which is the only independent claim being presented for consideration, the compressible core is now defined as being constructed of a material that maintains its compressibility in sub-freezing temperatures, which is not suggested in the Onderak, Fleming or Nelson patents, nor would there be any reason for such a limitation in these patents. The Juneau reference is suggestive of this feature, but is completely devoid of other structural limitations that appear in claim 11. Specifically, Juneau does not show a cover folded on itself having the compressible core received therein, with the non-folded edges of the cover being sealed to each other to provide an airtight covering for the compressible core. In addition, the ribs 13 on the top surface of the Juneau floor covering are structurally different from the "finely textured non-slip pattern" that extends over the outer surface of applicant's cover member. If anything, the ribs 13 of Juneau would inhibit flexibility, whereas applicant's finely textured non-slip pattern promotes maximum flexibility. In addition, claim 11 recites the fact that the cover is "of a dark, sun-absorbing color" which is important for an outdoor mat of this type in that some sun absorption will minimize snow and ice formation on the mat.

The Fleming and Nelson patents are of interest only in that they show mats that have a compressible foam core sealed within an outer covering. However, neither Fleming nor Nelson shows the folded-over construction of applicant's cover which facilitates the sealing of the non-folded edges of the cover, nor do Fleming or Nelson have a finely textured pattern on the outer surfaces of the cover, nor is the cover of a dark, sun-absorbing color, nor would there be any reasons for such structural features in Fleming or Nelson, which obviously are designed for indoor use.

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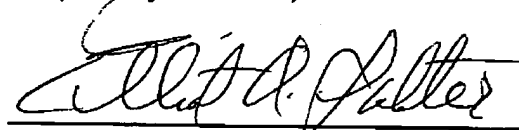
The Onderak patent also does not teach or suggest the "finely textured non-slip pattern" which is set forth in claim 11 and, in fact, such a textured pattern would be completely inconsistent with the objectives of Onderak which are to provide dam areas for water accumulation, an objective which certainly could not be accomplished by applicant's "finely textured pattern". Nor does Onderak teach or suggest the fold-over cover that is a feature of applicant's invention and that is specifically recited in claim 11.

Claims 12 through 15 all depend from claim 11 and hence are thought to be allowable for the same reasons as discussed above. In addition, however, claim 12 is thought to be particularly noteworthy in that it recites the fact that the core is coated with an adhesive material that secures the core to the inner surfaces of the cover to prevent relative movement therebetween which has been found to be a desirable feature of applicant's invention.

Considering the commercial success that applicant's invention has enjoyed, and further considering the structural limitations that now appear in the claims and that are not to be found in the cited prior art, it is respectfully contended that claims 11 through 15 recite subject matter that is novel and unobvious, and hence these claims are thought to be in condition for allowance and the application ready for issue, which action is courteously requested.

PTO is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our account #19-0120.

Respectfully submitted,



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